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TERMINAL DISCLAIMER
Patent Application
Docket No. SPO.121

January 21, 2009

David Saliwanchik

David R. Saliwanchik, Patent Attorney

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Satyendra K. Singh

Art Unit : 1657

Applicant(s) : Hisae Kume *et al.*

Serial No. : 10/535,585

Filed : May 18, 2005

For : Nutritional Compositions

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Sir:

Petitioner, MEIJI DAIRIES CORPORATION, is the owner of the entire interest in and to the instant application. The Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in one or more of 35 U.S.C. §§154 to 156 and 173 as shortened by any terminal disclaimer of co-pending Application Serial No. 10/487,237. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of the above-listed application in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer filed prior to the grant of the patent.

The undersigned has reviewed all the evidentiary documents accompanying or referred to in the instant Terminal Disclaimer and it is certified that, to the best of the undersigned's knowledge and belief, title is in the Petitioner identified above.

I am the attorney of record.

I authorize the Patent Office to charge the amount of \$70.00 (small entity)
 \$140.00 (large entity) for the terminal disclaimer fee under 37 CFR 1.20(d) to Deposit Account No. 19-0065.

Respectfully submitted,



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